

REQUEST FOR RECONSIDERATION
Serial No. 09/343,758

YOR919990183US1
February 15, 2005

REMARKS

Claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 remain in the application and stand finally rejected. Claims 6, 22 and 26 – 32 are previously canceled.

Claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 stand finally rejected as being unpatentable under 35 U.S.C. §102(a) over “Official Netscape Navigator 3.0 Book: The Definitive Guide to the World’s Most Popular Internet Navigator: Windows” (Netscape Navigator 3.0) as described by James. The final rejection is respectfully traversed.

Although essentially based on the rationale of the previous rejection, it is further asserted in the final rejection that “wherein each said at least one object is a species object of its associated said generic object (included image has specific characteristics (such as particular image location and size) of the place holder in Fig. 8-16. therefore, included image is reasonably interpreted as a species object of its placeholder)... .” Even accepting for the point of argument that the James placeholder icon is a species of its genus, even under the ad hoc meaning of the present application; then, what is shown in Fig. 8-16 is the final result, not the image displayed as a result of the substitution. Further, setting aside the fact that a placeholder icon is representative of nothing more than an indication of placement of something else, the location of the placeholder in the finally displayed screen does not make each one a different species of the genus. Neither does providing a display of the same object in different sizes (if that were what was shown), any more than a child is a different species than its parents. Under this rationale, a room full of people at a nightclub is filled with different species, each “species” changing with movement from one location to another. Under this rationale, “the female of the species” and “the male of the species” are rendered meaningless. Even in its application to inanimate objects, e.g., mountains, lakes, buildings and etc., such a use of genus and species renders their everyday meaning meaningless. Therefore, James fails to

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teach "wherein each said at least one object is a species object of its associated said generic object" and does not teach the present invention as recited.

In the prior response, applicants attempted to highlight that because "James fails to indicate how the icon is generated," James fails to teach storing independent generic objects, e.g., in a database. Instead, the only reasonable reading of James is that the placeholder icon is generated algorithmically by Netscape, each time it displays the placeholder. Unconvinced, however, it is asserted in the final rejection that this failure "is not quite the case since the claims do not cite how a generic object (corresponding to icon or placeholder in James' teaching) is generated." (sic.) Be that as it may, the reference must teach what the claims recite.

Claim 1 clearly recites "substituting a corresponding said generic object for each said associated at least one object, substituted said corresponding generic objects being transferred with said data before associated objects," claim 4 recites "the remote computer system identifies generic objects" and claim 5 recites "the remote computer system is transferring generic object codes associated with related images." *See also*, claims 13, 14 ("means for storing a plurality of generic objects, each stored generic object corresponding to an original object in data requested from said remote computer system, ...; means for substituting each stored said generic objects for said corresponding object;"), 20 ("computer readable program code including a database with a plurality of generic objects"), 21, 24 ("transferring generic object codes associated with related images from said remote computer system"), 25 ("computer readable program code for transferring additional generic objects associated with related images while the web browser image is being displayed;") and 34 ("means for storing a plurality of generic objects, each stored generic object corresponding to an original object in data requested from said remote computer system; means for substituting said each stored generic object for said corresponding object;"). Thus, the claims clearly recite how the generic *objects* are generated for display. Further, even if one were to agree *arguendo* that "a generic

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object (correspond[s] to [an] icon or placeholder in James' teaching)" as is asserted, to anticipate the present invention as claimed, James also must teach, e.g., that the placeholder icon is being loaded at source computer (storing the web page) and transferred for display. James does not.

Similarly, in responding to applicants remarks that the "James placeholder icon is not being supplied independently by the originating site" in the previous response, it is asserted in the final rejection "that such is not quite the case since the claims do not cite that generic object (corresponding to icon or placeholder in James teaching) is being supplied independently by the originating site." (sic) Again, claim 1 clearly recites "substituting a corresponding said generic object for each said associated at least one object, substituted said corresponding generic objects being transferred with said data before associated objects," claim 4 recites "the remote computer system identifies generic objects," claim 5 recites "the remote computer system is transferring generic object codes associated with related images" and claim 13 recites "while the web browser image is being displayed, the remote computer system is further transferring additional generic objects associated with said related images." *See also*, claims 17 ((g) "sending the modified digital image to a client system for display"), 24 ("transferring generic object codes associated with related images from said remote computer system; and, displaying said web browser image while transferring, wherein when related images are displayed, generic objects associated with said transferred generic object codes are substituted in said displayed related images") and 34 ("means for storing a plurality of generic objects, each stored generic object corresponding to an original object in data requested from said remote computer system; means for substituting said each stored generic object for said corresponding object; and means for outputting said requested data"). Thus, the claims clearly recite how the generic *objects are* being supplied independently by the originating site, not algorithmically derived as is apparent from James. Again, even if one were to agree *arguendo* that "a generic object (correspond[s] to [an] icon or placeholder in James' teaching)" as is asserted, to anticipate the present invention as claimed, James must also

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teach, e.g., that the placeholder icon is being loaded at source computer (storing the web page) and transferred for display. Again, James does not.

In responding to applicants remarks that "James does not show 'storing a plurality of generic objects... said remote computer system' and 'there is no reason why one would store 'a plurality of generic objects...,' the final rejection points "to Figure 8-16 which illustrates several placeholders, vary in sizes and location, each placeholder corresponds to an image. Please note that the text 'a small icon appears as a placeholder wherever an image is supposed to display' is reasonably interpreted as a small icon acts as a placeholder to hold a place wherever an image is supposed to display." Anyone who has used a web browser with a slow connection is familiar with this display, somewhat analogous to an empty parking lot or a blank peg board. As set forth above, just locating a placeholder icon where something is to be displayed tells nothing (other than location) about what is not being displayed and is not an "object included in said requested data as being associated with a generic object" as recited in claims 1 and 33, for example. However, from this web page display of a number of instances of the same icon, each located in a different sized rectangular area, it is asserted that, "since one image supposed to display is different in size and location from other images, the placeholder holding place for that particular image should be different in size and location from other placeholders which hold places for other images." (sic) Apparently this is an oblique assertion that, a number of instances of the James placeholder icon showing locations on a web page where something else is not being displayed and showing the size of what is not being displayed inherently teaches storing a plurality of generic objects. If different sized copies of the same thing are not different species of the same genus, as noted hereinabove; then, they certainly are not different generic objects.

Furthermore, based on the James image with multiple instances of the same placeholder icon, why would one be inclined to store multiple copies of different sizes of the same icon? "The fact that a certain result or characteristic may occur or be present in

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the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993)" MPEP §2112 (emphasis in original). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). Applicants submit that, if one wanted to show the same icon at a number of different locations and at a number of different sizes, it would be much simpler, easier, quicker and more efficient to store one icon and shrink/stretch it to fit the intended window, as is well understood and practiced in the art. Be that as it may, however, a display with a placeholder icon of different sizes still shows a single generic object of different sizes, not multiple generic objects. A James web page displaying (genus) dogs and (genus) cats with images turned off would show the same placeholder icon for each instance. By contrast, displaying the same page according to a preferred embodiment of the present invention would show a generic cat image for each cat instance and a generic dog image for each dig instance. Thus, placeholder icons are not "a generic object, wherein each said at least one object is a species object of its associated said generic object" as recited in claim 1, for example.

To applicants remarks that "substituting said each stored generic object for said corresponding object' is different than James teaching, it is noted that line 3 of page 361 teaches, upon user's clicking the Images button, displaying the document with graphics, i.e., the image supposed to display (in line 29 of page 359) is now displayed on its place." Displaying the complete image is not what is quoted nor what is recited. Instead, this refers to building facsimile web page that includes the substituted generic representative images, music, advertisements, copyright information, trees, roots, houses, a kitchen, a wall in a house, the side of a house, hotel, city, street, the sky, the sea and etc. for the actual (species). See, the present application page 9, lines 2 - 6. So, in the above dog and cat example, placing the generic cat image instead of the original images of different cats

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(that may or may not include the selected generic cat) and placing the generic dog image instead of the original images of different dogs (that may or may not include the selected generic dog). Thus, it is of no moment that "when Auto Load Images is turned on, the Web page is presented with images instead of with several different placeholders as seen in Figure 8-16 when Auto Load Images turned off. In other words, each placeholder is substituted for the corresponding image." James still does not show the facsimile web page.

In further responding to the applicants assertion that "nowhere does James teach 'outputting said requested data, said output data selectively including said generic objects or corresponding original objects responsive to said data transfer constraints'," it is asserted that "such is not quite the case. It is apparent that James teaches in 1-6 of page 361 that a web page is displayed; the web page includes images which are original objects." Applicants note that this is taken out of context from discussion of claims 14 and 34 and treated independently of the above described immediately prior recitation, i.e., "substituting each stored said generic objects for said corresponding object; and ... outputting said requested data, said output data selectively including said generic objects or corresponding original objects responsive to said data transfer constraints." This is directed to constituting and reconstituting a facsimile and/or original image for display depending upon data constraints. So, for the above dog and cat example, a web page populated by generic cat images and generic dog images when data transfers are constrained and the original image with different cats (e.g., Siamese, Persian, calico and etc. that may or may not include the cat in the generic image) and with different dogs (e.g., Great Danes, Golden Retrievers, Shih Tsus and etc. that may or may not include the dog in the generic image). Anyone who has watched a web page load from a slow connection is aware that placeholders are not inserted in the requested data and the data output; instead, the data is output and the placeholders are displayed after the output data is displayed. Accordingly, James fails to teach the present invention.

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Therefore, as set forth hereinabove, James does not make the present invention as recited in any of the claims unpatentable under 35 U.S.C. §102(a). Reconsideration and withdrawal of the final rejection of claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 under 35 U.S.C. §102(a) over James is respectfully solicited.

The applicants thank the Examiner for efforts in examining the application, both past and present. Believing the Application in condition for allowance for the reasons set forth above, the applicants request that the Examiner reconsider and withdraw the rejection of claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 under 35 U.S.C. §102(a) and allow the Application to issue.

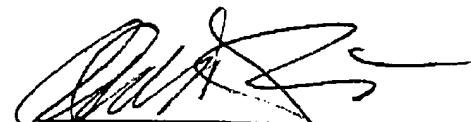
Should the Examiner believe anything further may be required, the Examiner is requested to contact the Applicant's undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

Please charge any deficiencies in fees and credit any overpayment of fees to IBM Corporation Deposit Account No. 50-0510 and advise us accordingly.

Respectfully Submitted,

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